

1 **TIFFANY & BOSCO**
2 P.A.

3 **2525 E. CAMELBACK ROAD**
4 **SUITE 300**

5 **PHOENIX, ARIZONA 85016**

6 **TELEPHONE: (602) 255-6000**

7 **FACSIMILE: (602) 255-0192**

8 Mark S. Bosco

9 State Bar No. 010167

10 Leonard J. McDonald

11 State Bar No. 014228

12 Attorneys for Movant

13 09-29104

14 **IN THE UNITED STATES BANKRUPTCY COURT**

15 **FOR THE DISTRICT OF ARIZONA**

16 IN RE:

17 Gary W. Ferguson and Julie Anne Ferguson
18 Debtors.

19 Deutsche Bank, as Trustee for BCAPB LLC Trust
20 2007-AB1

21 Movant,

22 vs.

23 Gary W. Ferguson and Julie Anne Ferguson,
24 Debtors; Russell A. Brown, Trustee.

25 Respondents.

No. 2:09-bk-28667-RJH

Chapter 13

(Related to Docket #)

26 **AMENDED STIPULATION REGARDING
MOTION FOR RELIEF**

IT IS HEREBY STIPULATED by and between the parties herein, through counsel undersigned, that all stays and injunctions, including the automatic stays under U.S. Bankruptcy Code Section 362(a), are hereby vacated with respect to the real property which is the subject of the Deed of Trust recorded in the records of the Maricopa County, Arizona Recorder's Office, wherein Gary

1 W. Ferguson and Julie Anne Ferguson, are designated as trustors and Deutsche Bank, as Trustee for
2 BCAPB LLC Trust 2007-AB1 is the current beneficiary, which Deed of Trust encumbers the
3 following described real property:

4 Lot 296, NEWCASTLE HOMES UNIT TWO-A, according to Book 73 of Maps, Page 5,
5 records of Maricopa County, Arizona.

6 IT IS FURTHER STIPULATED that the debtors will cure the post-petition arrearages
7 currently due as follows:

8 4 Monthly Payments(s) at \$1,505.68	\$6,022.72
(February 1, 2010 - May 1, 2010)	
9 4 Late Charge(s) at \$67.65	\$270.60
(February 1, 2010 - May 1, 2010)	
10 Post Petition Inspection	\$15.00
11 Motion for Relief Filing Fee	\$150.00
Attorneys Fees	\$800.00
12 Suspense Amount	(\$199.61)
13 Total	\$4,904.79

- 14 1. The total arrearage shall be paid in within the Chapter 13 Plan.
- 15 2. In addition to the payment listed in Paragraph 1, the Debtors, will make the regular
16 post-petition payment due for June 1, 2010 , which shall be made when due, and all subsequent
17 payments shall be made when due.

18
19 IT IS FURTHER STIPULATED that Deutsche Bank, as Trustee for BCAPB LLC Trust
20 2007-AB1 as the current beneficiary under the above described Deed of Trust agrees not to conduct a
21 Trustee's Sale or judicial "foreclosure" on its Deed of Trust, so long as the terms of this Stipulation
22 are complied with. In the event of default in making any payments described herein Secured Creditor
23 is permitted, in its discretion, to conduct a Trustee's Sale, judicial foreclosure, or take whatever other
24 actions necessary to protect their interest in the above legally described property upon giving written
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1 notice of such default to debtors, Debtors' Counsel and Trustee and Debtors' failure to cure such
2 default within fifteen (15) days of the date of such notice. In the event said default is not cured within
3 said fifteen (15) day period, all arrearages, both pre-petition and post-petition shall become
4 immediately due and payable in full and pre-petition arrearages shall not continue to be payable under
5 the terms of the Plan.

6 IT IS FURTHER STIPULATED that if a default notice becomes necessary, Debtors will be
7 charged \$150.00 for fees and costs associated with handling the curing of the default, to be paid
8 together with the defaulted payment and late charge. Debtors shall tender the default payment, late
9 charge and the additional \$150.00 fee for attorney's fees and costs, as set forth above, in the form of a
10 cashier's check or money order, made payable to Movant. If the defaulted payments are not received
11 by Movant, together with the late charge and the \$150.00 default fee, within fifteen days after the
12 default notice was sent, all arrearages, both pre-petition and post-petition shall become immediately
13 due and payable in full and pre-petition arrearages shall not continue to be payable under the terms of
14 the plan.
15

16 IT IS FURTHER STIPULATED that if Debtor' Bankruptcy Case No. 2:09-bk-28667-RJH is
17 dismissed, either voluntary or involuntary, for any reason, this Stipulation will become null and void
18 and Deutsche Bank, as Trustee for BCAPB LLC Trust 2007-AB1, and after such dismissal, may, in
19 its discretion, conduct a Trustee's Sale or judicial "foreclosure" on its Deed of Trust or take whatever
20 other actions necessary to protect their interest in the above legally described property.
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22 IT IS FURTHER STIPULATED that in the event of conversion by the Debtor to any other
23 bankruptcy chapter, the repayment portion of this Order shall become null and void, except that the
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1 portion of this Order vacating the automatic stay under U.S. Bankruptcy Code Section 362 (a) shall
2 remain in full force and effect.

3 IT IS FURTHER STIPULATED that any hearings scheduled in the matter are vacated.

4 DATED this 8th July day of 2010.

5 TIFFANY & BOSCO, P.A.

6
7 By

8 Mark S. Bosco

9 Leonard J. McDonald

10 Attorneys for Movant

11 /s/ Nasser U. Abujbarah

12 Nasser U. Abujbarah

13 Attorney for Debtor

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Ri
Tr

RBrown

Russell Brown
Chapter 13 Trustee, Suite
800, 3838 North Central
Avenue, Phoenix, Arizona
85012-1965
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